

REMARKS

Claims 15-29, 31 and 32 are pending. Claim 32 was withdrawn from consideration as directed to a non-elected species. By this Amendment, claims 15, 23 and 28 are amended and new claims 33 and 34 are added. No new matter is added.

35 USC § 112 Rejections

The Examiner rejected claim 23 as indefinite under 35 USC § 112, second paragraph. Claim 23 is amended to overcome said rejection.

35 USC § 102(b) Rejections

The Examiner rejected claims 15-18, 20, 23, 28 and 29 as anticipated by Fletcher et al. (US 3,187,797). Applicants respectfully traverse the Examiners characterization of Fletcher but so as to advance prosecution, Applicants have amended claim 15 to include structural limitations that overcome the rejection. With respect to the rejection, Fletcher discloses in Figs. 1, 2, 5, 6 and 7 a landing gear wheel with a water deflecting annuli wherein the wheel rim flange 9 protrudes from the wheel 8. In all embodiments the rim flange 9 extends away from the wheel and is not contained or covered by the annulus. The annulus does not then extend to smoothly envelope the wheel. Thus, Fletcher does not anticipate amended claim 15.

Moreover, Fletcher discloses other noise creating structures suited for water control and not for aerodynamics. For example, in Figs. 1 and 2 a hard rubber nub 1a and 12a, respectively, extends from the distal end of the annulus. In Fig. 5, a hard rubber bead 30 exists at the outer periphery of the annulus. In Fig. 6, an annular inflatable tube 35 is disposed at the outer

periphery of the annulus. These structures (1a, 12a, 30 and 35) are positioned to protect the annulus from abrasion if it contacts the ground after an impact load. (See, Col. 2, 18-20; Col.3, 29-33.) Thus, the cited embodiments from Fletcher all contain an annulus with structure that create noise and deviates from amended claim 15. Claim 15 as amended overcomes the present rejections and likewise its dependent claims 16-18, 20, 23, 27, 29, 33 and 34. Applicants respectfully request withdrawal of the rejection.

Claim 28 is also amended to more clearly describe the present invention over the prior art. Based on the argument above concerning Fletcher and the amendment to claim 28, this claim is in condition for allowance.

35 USC § 103(a) Rejections

The Examiner rejected claims 27 and 29 as obvious based on Fletcher alone and in view of Ralph (US 6,149,100). Neither Fletcher nor Ralph concern reducing noise thus there would be no motivation for one skilled in the art to combine their teachings. As explained above the structure disclosed in Fletcher appears to create noise as it bends away from the tire during loading and into the airflow. Nevertheless, claims 27 and 29 depend from claim 15. These rejections are moot in view of the argument above and the amendments to claim 15.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Thomas G. Dickson".

Thomas G. Dickson
Registration No. 51,616

Customer No. 24113
Patterson, Thunte, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, Minnesota 55402-2100
Telephone: (612) 349-3004